

ACCO,(PJWx),DISCOVERY,MJDAP\_OUT,STAYED

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)**  
**CIVIL DOCKET FOR CASE #: 2:18-cv-08439-FMO-PJW**

Lawrence P. Kalbers v. U.S. Department of Justice  
Assigned to: Judge Fernando M. Olguin  
Referred to: Magistrate Judge Patrick J. Walsh  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/01/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Lawrence P. Kalbers**

represented by **Daniel S Jacobs**  
Daniel S Jacobs  
Attorney At Law  
PO Box 5273  
Los Angeles, CA 90296  
310-338-7415  
Fax: 310-338-2843  
Email: [attorneyjacobs@twc.com](mailto:attorneyjacobs@twc.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****US Department of Justice**

represented by **Alarice M Medrano**  
AUSA – Office of US Attorney  
Civil Division  
300 North Los Angeles Street Suite 7516  
Los Angeles, CA 90012  
213-894-0460  
Fax: 213-894-7819  
Email: [alarice.medrano@usdoj.gov](mailto:alarice.medrano@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

**Intervenor****Volkswagen AG**

represented by **Laura Kabler Oswell**  
Sullivan and Cromwell LLP  
1870 Embarcadero Road  
Palo Alto, CA 94303  
650-461-5600  
Fax: 650-461-5700  
Email: [oswelll@sullcrom.com](mailto:oswelll@sullcrom.com)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/01/2018	<u>1</u>	COMPLAINT Receipt No: 0973-22508707 – Fee: \$400, filed by Plaintiff Lawrence P kalbers. (Attorney Daniel S Jacobs added to party Lawrence P kalbers(pty:pla))(Jacobs, Daniel) (Entered: 10/01/2018)
10/01/2018	<u>2</u>	CIVIL COVER SHEET filed by Plaintiff Lawrence P kalbers. (Jacobs, Daniel) (Entered: 10/01/2018)
10/01/2018	<u>3</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening) <u>1</u> , Civil Cover Sheet (CV-71) <u>2</u> filed by Plaintiff Lawrence P kalbers. (Jacobs, Daniel) (Entered: 10/01/2018)
10/02/2018	<u>4</u>	Request for Clerk to Issue Summons on Summons Request <u>3</u> filed by Plaintiff Lawrence P kalbers. (Jacobs, Daniel) (Entered: 10/02/2018)

10/02/2018	<u>5</u>	NOTICE TO COUNSEL re Magistrate Judge Direct Assignment Program. This case has been randomly assigned to Magistrate Judge John E. McDermott. (Attachments: # <u>1</u> CV-11C) (esa) (Entered: 10/02/2018)
10/02/2018	<u>6</u>	30 DAY Summons issued re Complaint <u>1</u> as to defendant US Department of Justice. (esa) (Entered: 10/02/2018)
10/02/2018	<u>7</u>	NOTICE OF DEFICIENCIES in Attorney Case Opening. The following error(s) was found: No Notice of Interested Parties has been filed. A Notice of Interested Parties must be filed with every party's first appearance. See Local Rule 7.1-1. Counsel must file a Notice of Interested Parties immediately. Failure to do so may be addressed by judicial action, including sanctions. See Local Rule 83-7. (esa) (Entered: 10/02/2018)
10/03/2018	<u>8</u>	NOTICE Notice of Interested Parties filed by Plaintiff Lawrence P. Kalbers. (Jacobs, Daniel) (Entered: 10/03/2018)
10/18/2018	<u>9</u>	REMINDER NOTICE re Magistrate Judge Direct Assignment Program. Each party must file form CV-11C within the consent deadlines pursuant to L.R. 73-2. Additionally, the parties are directed to L.R. 73-2.2 Proof of Service. In any case in which only a magistrate judge is initially assigned, plaintiff must file a proof of service within 10 days of service of the summons and complaint as to each defendant. (san) (Entered: 10/18/2018)
10/22/2018	<u>10</u>	PROOF OF SERVICE Executed Lawrence P. Kalbers, upon Defendant US Department of Justice served on 10/4/2018, answer due 11/5/2018. Service of the Summons and Complaint were executed upon the United States Attorneys Office by delivering a copy to G. Ortega. Executed upon the Attorney General's Office of the United States by delivering a copy to Emily Sase. Executed upon the officer agency or corporation by delivering a copy to Emily Sase. Service was executed in compliance with Federal Rules of Civil Procedure. Due diligence declaration NOT attached. Registered or certified mail return receipt attached. Original Summons NOT returned. <i>Service under Rule 4(i)(1)(A)(ii) and 4(i)(1)(B)</i> (Attachments: # <u>1</u> Exhibit)(Jacobs, Daniel) (Entered: 10/22/2018)
10/24/2018	<u>11</u>	STIPULATION Extending Time to Answer the complaint as to US Department of Justice answer now due 11/20/2018, re Complaint (Attorney Civil Case Opening) <u>1</u> filed by Defendant US Department of Justice.(Attorney Alarice M Medrano added to party US Department of Justice(pty:dft))(Medrano, Alarice) (Entered: 10/24/2018)
11/14/2018	<u>12</u>	NOTICE Consent to Magistrate Judge (CV-11C) filed by Plaintiff Lawrence P. Kalbers. (Jacobs, Daniel) (Entered: 11/14/2018)
11/20/2018	<u>13</u>	DECLINED STATEMENT OF CONSENT TO PROCEED before the assigned Magistrate Judge filed by Defendant US Department of Justice. (Medrano, Alarice) (Entered: 11/20/2018)
11/20/2018	<u>14</u>	ANSWER to Complaint (Attorney Civil Case Opening) <u>1</u> filed by Defendant US Department of Justice.(Medrano, Alarice) (Entered: 11/20/2018)
11/21/2018	<u>15</u>	NOTICE OF REASSIGNMENT of MJDAP case from Magistrate Judge John E. McDermott to Judge Fernando M. Olguin for all further proceedings. Any discovery matters that may be referred to a Magistrate Judge are assigned to U.S. Magistrate Judge Patrick J. Walsh. The case number will now reflect the initials of the transferee Judges 2:18-cv-08439 FMO(PJWx). (rm) (Entered: 11/21/2018)
11/29/2018	<u>16</u>	TEXT ONLY ENTRY by Chambers of Judge Fernando M. Olguin. This matter has been assigned to District Judge Fernando M. Olguin. The Court refers counsel to the Court's Initial Standing Order found on the Court's Website under Judge Olguin's Procedures and Schedules. Please read this Order carefully.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (vdr) TEXT ONLY ENTRY (Entered: 11/29/2018)
11/29/2018	<u>17</u>	ORDER SETTING SCHEDULING CONFERENCE by Judge Fernando M. Olguin. Scheduling Conference set for 1/24/2019 at 10:00 AM before Judge Fernando M. Olguin. (vdr) (Entered: 11/29/2018)
12/27/2018	<u>18</u>	EX PARTE APPLICATION to Stay Case pending The Lapse of Appropriations filed by Defendant US Department of Justice. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed

		Order) (Medrano, Alarice) (Entered: 12/27/2018)
12/28/2018	<u>19</u>	ORDER GRANTING EX PARTE APPLICATION <u>18</u> STAYING CASE by Judge Fernando M. Olguin. (vdr) (Entered: 12/28/2018)
02/07/2019	<u>20</u>	SCHEDULING NOTICE by Magistrate Judge Patrick J. Walsh – Telephonic Discovery Conference set for 2/8/2019 at 11:00 AM before Magistrate Judge Patrick J. Walsh. Call-in information will be emailed to Counsel. Counsel shall call in at 10:55 AM.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (im) TEXT ONLY ENTRY (Entered: 02/07/2019)
02/08/2019	<u>21</u>	MINUTES OF Telephonic Conference Re Discovery Hearing held before Magistrate Judge Patrick J. Walsh. The case is called and appearances are made. The issue before the Court is whether Plaintiff is entitled to take discovery in this FOIA action before Defendant files its motion for summary judgment. As a general rule, discovery is not permitted in FOIA cases. See Lane v. Dep't of Interior, 523 F.3d 1128, 1134 (9th Cir. 2008); Lawyers' Comm. for Civil Rights of S.F. Bay Area v. United States Dep't of the Treasury, 534 F. Supp. 2d 1126, 1131 (N.D. Cal. 2008) (noting district courts typically decide FOIA actions on summary judgment without discovery). There is nothing before the Court to suggest that this case is exceptional. As such, Plaintiff's request to conduct discovery prior to the summary judgment motion is denied. Court Recorder: CS 02/08/19. (sbou) (Additional attachment(s) added on 2/8/2019: # <u>1</u> Attachment 1, # <u>2</u> Attachment 2, # <u>3</u> Attachment 3, # <u>4</u> Attachment 4, # <u>5</u> Attachment 5) # <u>6</u> Attachment 6) (sbou). (Entered: 02/08/2019)
02/10/2019	<u>22</u>	COMPACT DISC Order filed by Plaintiff Lawrence P. Kalbers. Court will contact Daniel Jacobs at AttorneyJacobs@twc.com with any questions regarding this order. Transcript portion requested: Pre-Trial Proceeding: 2/8/19. FEE PAID. (Jacobs, Daniel) (Entered: 02/10/2019)
02/12/2019	<u>23</u>	TRANSCRIPT ORDER as to Defendant US Department of Justice DCN number: R19CACA0487 for Court Smart (CS). (Medrano, Alarice) (Entered: 02/12/2019)
02/18/2019	<u>24</u>	TRANSCRIPT for proceedings held on 2/08/2019, 10:59 a.m. Court Reporter/Electronic Court Recorder: JAMS CERTIFIED TRANSCRIPTION, phone number (661) 609-4528. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 3/11/2019. Redacted Transcript Deadline set for 3/21/2019. Release of Transcript Restriction set for 5/20/2019. (ls) (Entered: 02/19/2019)
02/18/2019	<u>25</u>	NOTICE OF FILING TRANSCRIPT filed for proceedings 2/08/2019, 10:59 a.m. re Transcript <u>24</u> THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (ls) TEXT ONLY ENTRY (Entered: 02/19/2019)
02/22/2019	<u>26</u>	NOTICE OF MOTION for Review of Magistrate Judge's Minute Order on Discovery filed by Plaintiff Lawrence P. Kalbers. (Attachments: # <u>1</u> Proposed Order) (Jacobs, Daniel) Modified on 2/25/2019 (vdr). (Entered: 02/22/2019)
02/22/2019	<u>27</u>	NOTICE OF MOTION AND MOTION for Review of Magistrate Judge's Minute Order on Discovery filed by Plaintiff Lawrence P. Kalbers. Motion set for hearing on 4/4/2019 at 10:00 AM before Judge Fernando M. Olguin. (Attachments: # <u>1</u> Memorandum In Support of Motion for Review of Magistrate Judge's Minute Order on Discovery, # <u>2</u> Proposed Order Granting Plaintiff's Motion for Review of Magistrate Judge's Minute Order on Discovery, # <u>3</u> Exhibit Plaintiff's First Set of Ten Interrogatories to Defendant, # <u>4</u> Exhibit Defendant's Objections to Plaintiff's First Set of Interrogatories) (Jacobs, Daniel) (Entered: 02/22/2019)
02/22/2019	<u>28</u>	STIPULATION to Reset filed by Plaintiff Lawrence P. Kalbers. (Attachments: # <u>1</u> Proposed Order)(Jacobs, Daniel) (Entered: 02/22/2019)
02/26/2019	<u>29</u>	ORDER RESETTING SCHEDULING CONFERENCE by Judge Fernando M. Olguin. The Scheduling Conference is reset for 4/4/2019. (vdr) (Entered: 02/26/2019)
03/14/2019	<u>30</u>	Opposition to Plaintiff's Motion for Review of Magistrate Judge's Minute Order on Discovery Opposition re: NOTICE OF MOTION AND MOTION for Review of Magistrate Judge's Minute Order on Discovery <u>27</u> filed by Defendant US Department

		of Justice. (Attachments: # <u>1</u> Exhibit A)(Medrano, Alarice) (Entered: 03/14/2019)
03/21/2019	<u>31</u>	JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial 1 or 2 days, filed by Plaintiff Lawrence P. Kalbers.. (Jacobs, Daniel) (Entered: 03/21/2019)
03/21/2019	<u>32</u>	REPLY In support NOTICE OF MOTION AND MOTION for Review of Magistrate Judge's Minute Order on Discovery <u>27</u> filed by Plaintiff Lawrence P. Kalbers. (Jacobs, Daniel) (Entered: 03/21/2019)
03/29/2019	<u>33</u>	TEXT ONLY ENTRY by Chambers of Judge Fernando M. Olguin. On the court's own motion, the Motion for Review <u>27</u> is taken off the 4/4/2019 calendar and placed under submission. An order with the court's ruling will issue. The 4/4/2019 Scheduling Conference is also taken off calendar. No appearances are required on 4/4/2019. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (vdr) TEXT ONLY ENTRY (Entered: 03/29/2019)
04/01/2019	<u>34</u>	MINUTES (IN CHAMBERS) ORDER RE: MOTION FOR REVIEW <u>27</u> by Judge Fernando M. Olguin. The motion is denied. The Magistrate Judge's Order <u>21</u> is neither clearly erroneous nor contrary to law. (vdr) (Entered: 04/01/2019)
06/11/2019	<u>35</u>	NOTICE OF MOTION AND MOTION for Order for Vaughn Index filed by Plaintiff Lawrence P. Kalbers. Motion set for hearing on 7/11/2019 at 10:00 AM before Judge Fernando M. Olguin. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Proposed Order) (Jacobs, Daniel) (Entered: 06/11/2019)
06/20/2019	<u>36</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION for Order for Vaughn Index <u>35</u> filed by Defendant US Department of Justice. (Medrano, Alarice) (Entered: 06/20/2019)
06/26/2019	<u>37</u>	CASE MANAGEMENT ORDER by Judge Fernando M. Olguin. *See order for case deadlines and requirements.* (vdr) (Entered: 06/26/2019)
06/26/2019	<u>38</u>	ORDER RE: SUMMARY JUDGMENT MOTIONS by Judge Fernando M. Olguin. (vdr) (Entered: 06/26/2019)
06/27/2019	<u>39</u>	REPLY In support NOTICE OF MOTION AND MOTION for Order for Vaughn Index <u>35</u> filed by Plaintiff Lawrence P. Kalbers. (Jacobs, Daniel) (Entered: 06/27/2019)
07/03/2019	<u>40</u>	MINUTE Order Setting Settlement Conference (In Chambers by Magistrate Judge Patrick J. Walsh. IT IS ORDERED that a settlement conference be held on July 12, 2019, at 1:30 p.m., at 255 East Temple Street, Courtroom 790 (7th Floor), Los Angeles, CA. Each side shall submit a settlement conference statement directly to Judge Walsh's chambers at pjw_chambers@cacd.uscourts.gov not later than two court days before the conference. (See document for details.) (sbou) (Entered: 07/03/2019)
07/05/2019	<u>41</u>	TEXT ONLY ENTRY by Chambers of Judge Fernando M. Olguin. On the court's own motion, the Motion for Vaughn Index <u>35</u> is taken off the 7/11/2019 calendar and placed under submission. No appearances are required on 7/11/2019. An order with the court's ruling will issue.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (vdr) TEXT ONLY ENTRY (Entered: 07/05/2019)
07/12/2019	<u>42</u>	MINUTES OF Settlement Conference held before Magistrate Judge Patrick J. Walsh. The case is called, and appearances are made. The parties are unable to settle the case at this time. Court Recorder: CS 07/12/19. (sbou) (Entered: 07/12/2019)
07/12/2019	<u>43</u>	STATUS REPORT RE: <i>SETTLEMENT (JOINT)</i> filed by Defendant US Department of Justice. (Medrano, Alarice) (Entered: 07/12/2019)
09/04/2019	<u>44</u>	Joint STIPULATION to Reset filed by Plaintiff Lawrence P. Kalbers. (Attachments: # <u>1</u> Proposed Order)(Jacobs, Daniel) (Entered: 09/04/2019)
09/06/2019	<u>45</u>	ORDER by Judge Fernando M. Olguin: The Stipulation Resetting Summary Judgment Schedule <u>44</u> is approved and so ordered. (cw) (Entered: 09/06/2019)
09/16/2019	<u>46</u>	MINUTE ORDER IN CHAMBERS by Judge Fernando M. Olguin. The Motion for Vaughn Index <u>35</u> is granted in part and denied in part. (cw) (Entered: 09/16/2019)

09/27/2019	<u>47</u>	NOTICE OF MOTION AND MOTION to Intervene filed by Intervenor Volkswagen AG. Motion set for hearing on 10/31/2019 at 10:00 AM before Judge Fernando M. Olguin. (Attachments: # <u>1</u> Memorandum in Support of Motion to Intervene, # <u>2</u> Exhibit Proposed Answer to Complaint, # <u>3</u> Proposed Order) (Attorney Laura Kabler Oswell added to party Volkswagen AG(pty:intv)) (Oswell, Laura) (Entered: 09/27/2019)
09/27/2019	<u>48</u>	DECLARATION of Laura Kabler Oswell in support of Volkswagen AG's NOTICE OF MOTION AND MOTION to Intervene <u>47</u> filed by Intervenor Volkswagen AG. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Oswell, Laura) (Entered: 09/27/2019)
09/27/2019	<u>49</u>	CERTIFICATE of Interested Parties filed by Intervenor Volkswagen AG, identifying Porsche Automobil Holding SE. (Oswell, Laura) (Entered: 09/27/2019)
09/27/2019	<u>50</u>	NOTICE of Appearance filed by attorney Laura Kabler Oswell on behalf of Intervenor Volkswagen AG (Oswell, Laura) (Entered: 09/27/2019)
10/01/2019	<u>51</u>	NOTICE of Filing Vaughn Index filed by Defendant US Department of Justice. (Attachments: # <u>1</u> Vaughn Index)(Medrano, Alarice) (Entered: 10/01/2019)